



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** June 17, 2010  
**Applicant:** Wings N things  
**Case No.:** PCC-10-023  
**Address:** 2315 Otay Lakes Road  
**Project Planner:** Michael W. Walker

Notice is hereby given that on June 17, 2010 the Zoning Administrator considered Conditional Use Permit application PCC-10-023 filed by Wings N Things ("Permittee/Operator") requesting approval to allow on-site sales and consumption of beer and wine, incidental to food service in the existing Wings N Things restaurant ("Project") located at 2315 Otay Lakes Road ("Project Site"). The Project site is zoned Village Center (VC4) and has General Plan land use designation of Commercial Retail. The property is owned by Eastlake Village Center ("Property Owner"). The Project is more specifically described below:

Wings N Things is a dine-in/take-out restaurant requesting to sell beer and wine beverages for on-site consumption incidental to the food service provided to customers. The sale of beer and wine will be less than ten percent of sales.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19 14.030.A of the Chula Vista Municipal Code and, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19 14 080:

1. *That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.*

The Wings N Things restaurant is one of several commercial businesses located in the Village Center shopping center. The proposed sale of beer and wine alcoholic beverages in addition to the current sale of food does not substantially change how the restaurant currently operates therefore the use will continue to provide a service desirable to the community.

2. *That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*

The use is a dine-in/take-out restaurant that currently does not serve alcoholic beverages. This conditional use permit allows the sale of beer and wine in addition to the food service. The Chula Vista Police Department has reviewed the application and provided conditions for approval, which includes several security measures that require the

Permittee to implement and maintain. The Permittee is also required to obtain a liquor license from the State ABC (Alcohol Beverage Control) agency for the sales of alcohol to comply with all applicable state regulations.

3. *That the proposed use will comply with the regulations and conditions specified in the code for such use.*

Granting of this conditional use permit is conditioned to require the Permittee and Property Owner to satisfy all conditions of approval, and to comply with all applicable regulations and standards specified in the Municipal Code and applicable state regulations for such use. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-10-023.

4. *That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.*

The General Plan designates the site as Commercial Retail. Restaurants that sell alcoholic beverages for on-site consumption are permitted in the Village Center (VC-4) zone with an approved conditional use permit, and such activity is consistent with Commercial Retail land uses. Therefore the proposed use is consistent with the General Plan land use element, and the EastLake II SPA Plans district regulations.

Approval of PCC-10-023 is conditioned upon the following conditions in Sections I, II and III:

- I. **Prior to the issuance of any permits required by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:**

1. The Property Owner and the Permittee shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Permittee have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the shall indicate the Property Owner/Permittee's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Wings N things  
Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Property Owner  
Representative

\_\_\_\_\_  
Date

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**II. Prior to occupancy or use of the site in reliance on this use permit:**

**Planning Condition:**

2. The Permittee/Operator shall obtain the license to sell alcohol from the Alcohol Beverage Control (ABC) agency.

**Building Condition:**

3. The Permittee shall comply with the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code, the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

**Fire Conditions:**

4. The Permittee shall address the building in accordance with the following criteria:
  - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
  - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
  - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke.
5. The Permittee shall ensure that commercial cooking equipment that produces grease-laden vapors be provided with a Type I hood and an automatic fire extinguisher system that is listed and labeled for its intended use.
6. The Permittee shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel within the floor area in any direction.

**III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.**

The Permittee/Operator shall comply with the following conditions issued by the City of Chula Vista Police Department:

7. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:30 a.m. and 9:00 p.m. each day of the week.
8. Only persons of the age 21 or over may purchase, possess, and consume alcohol.
9. It will be the duty and responsibility of the Wings N Things owner, managers, and employees to prevent underage patrons from obtaining alcoholic beverages by closely monitoring clientele and intervening whenever necessary.

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10. Wings N Things shall remove and bar from re-entry, and patron involved in providing, furnishing, or passing alcoholic beverages to any individual inside the facility who is under 21 years of age. In addition, Wings N Things shall remove and bar from re-entry any individual who is under 21 years of age who possesses and/or consumes alcohol inside the facility.
  11. Wings N Things shall maintain high quality digital video cameras inside and outside the business with the following minimum coverage:
    - Cameras outside the premises allowing for coverage of the front entry and exit doors;
    - Cameras outside the premises allowing for coverage of the food and drink servicing areas;
    - Cameras above and behind each alcohol service area;
  12. All video cameras will be recorded on high quality digital recorders and maintained inside of a locked office. One video monitor will be positioned at the manager's and/or security office, which gives the employee of choice the ability to monitor all cameras simultaneously or view one at a time. All video cameras shall be set to record at all times the business is open.
  13. All areas will have sufficient lighting to identify persons on the video surveillance system.
  14. Digital recording media will be maintained in the locked office for 10 days and be available for review at any time by the Chula Vista Police Department.
  15. No person/employee under the age of 21 is permitted to sell or serve alcohol.
  16. Only two alcoholic beverages are to be sold to one person at a time.
  17. The use of any amplifying system or device inside the premises shall not be audible 50 feet outside the premises.
  18. Amplified music that covers the "patio" or outside service area of the establishment will not be audible more than 25 ft. from the service area.
  19. The rear doors of the premises shall be equipped with an audible alarm and shall be equipped on the inside with an automatic locking device. These doors shall be closed at all times (except for emergencies), and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.
  20. Loitering is prohibited on or around the premises under control of the licensee. The Wings N Things shall police the area under their control in an effort to prevent loitering.
  21. Signs must be posted at all exits advising customers that loitering and open containers of alcohol are prohibited outside of the ABC established services areas. It is also

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recommended that signs be posted to apprise patrons that passing alcohol to a minor is illegal and could result in arrest and/or expulsion from the venue.

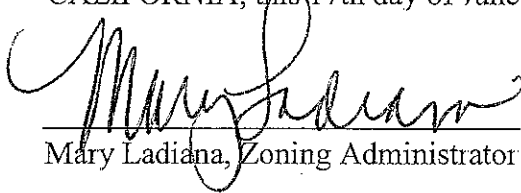
22. All employees/managers/owners shall attend LEAD training given by ABC.
23. The Chula Vista Police Department will be notified in writing or email, at least 10 days prior to a private party or event that involves over 50 people on the guest list.
24. No hosting by outside promoters or live entertainment will be permitted at The Wings N Things without a special permit/license from the City of Chula Vista, per City Code.
25. There shall be no public dance conducted at the premises without a license as required by Chula Vista Municipal Code Section 5.26. Any licenses or special permits issued must be kept at the premises and be presented to ABC or City officials upon request.
26. The Police Department reserves the right to impose additional security conditions as part of any dance, live entertainment, or special event permit approval process.

**Standard Conditions:**

27. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
28. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-023. Any new use or modification/expansion of uses authorized under PCC-10-023 shall be subject to the review and approval of the Zoning Administrator.
29. The Project shall maintain compliance with the City's Municipal Code noise standards. If the City finds that the Project does not meet the Municipal Code noise standards, the City may revoke or modify the permit.
30. The Permittee/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this conditional use permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Permittee/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Permittee's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Permittee's/Operator's successors and assigns.
31. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.

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32. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit
33. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Permittee or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 17th day of June 2010.

  
Mary Ladiana, Zoning Administrator